
**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Channel 5 Public Broadcasting, Inc.)	
v.)	
Cequel III Communications I LLC)	CSR-_____
d/b/a Suddenlink Communications)	
)	
Request for Carriage on Cable Systems)	
Serving Tahoe City, Donner Summit, and)	
Truckee California)	

COMPLAINT

To: Marlene H. Dortch, Esq., Secretary
Attn: Chief, Policy Division, Media Bureau

I. INTRODUCTION

1. Channel 5 Public Broadcasting, Inc., licensee of noncommercial educational television station KNPB (Ch. 15, Facility ID No. 10228), Reno, Nevada (“KNPB”), is filing this complaint against Cequel III Communications I LLC, d/b/a Suddenlink Communications (“Cequel”), for its failure to carry KNPB on its cable system serving Tahoe City, Donner Summit, Truckee, and Lake Tahoe, California (the “System”).

II. BACKGROUND

2. KNPB is a not-for-profit organization governed by a Board of Trustees composed of representatives of the community it serves. It is a PBS member station and has provided public television service since 1983. KNPB carries a full lineup of national programming. Its locally produced programming features shows of interest to northern Nevada and northeastern California, including arts and public affairs series.

3. Both the Communications Act of 1934, as amended, and the Commission's rules generally require cable carriage of "qualified" noncommercial educational ("NCE") stations.¹ An NCE television station will be considered "qualified" if: (1) under the rules and regulations of the Commission in effect on March 29, 1990, it is licensed by the Commission as an NCE television broadcast station and it is owned and operated by a public agency, nonprofit foundation, corporation, or association and (2) it has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of the Communications Act of 1934, as amended.² That definition includes the translator of any NCE television station with five watts or higher power serving the franchise area.³ A qualified signal from a full-service station must be carried upon request if it is "local", meaning that the principal headend of the cable system is encompassed within the Grade B contour of the station or is located within 50 miles of the reference point of the station's community of license as established in Section 76.53 the Commission's rules.⁴

III. FACTS

4. The System headend is in Truckee, California. KNPB is a "qualified local" NCE station pursuant to Sections 76.55(a) and (b) of the Commission's rules and is thus entitled to carriage on the System. KNPB is licensed as an NCE station and it receives an annual community service grant from the Corporation for Public Broadcasting.⁵ The KNPB Grade B

¹ 47 U.S.C. §535(a)(1); 47 C.F.R. §76.56(a).

² 47 C.F.R. §76.55(a)(1) and (2).

³ 47 C.F.R. §76.55(a)(3).

⁴ 47 C.F.R. §76.55(b).

⁵ See <http://www.cpb.org/aboutcpb/financials/funding/state.html?year=2010&state=Nevada>.

contour extends about ten miles past the System headend and that headend is approximately 28 miles from the Reno reference point.⁶ Moreover, KNPB operates a translator station (Facility I.D. No. 10228, File No. BLEDT-20111117ART) licensed to serve the Truckee/Lake Tahoe area. That translator is located approximately 12.7 miles from the System's headend and 13.4 miles from the System's RF receive tower and transmits on Channel 42 with ERP of 0.24 kW, far in excess of the 5-watt carriage threshold.⁷

5. KNPB has been seeking carriage on the System for over a year. It was repeatedly rebuffed for various spurious reasons and then finally told that the KNPB signal is not of the requisite quality. As shown below, the signal is of extraordinary high quality in the area, but Cequel has deliberately configured its headend facilities to effectively preclude the reception of over-the-air television signals.

6. KNPB first formally requested carriage on the System on November 19, 2010 (copy of letter attached as Exhibit 1). On January 20, 2011 the general manager of the System called the president and CEO of KNPB and told him that (1) the System would have no bandwidth available for KNPB until it completed a transition to digital on April 27, 2011 and they would "entertain" the carriage request at that time; (2) the System does not accept over-the-air signal feeds and requires a fiber feed; and (3) the System is a different DMA than KNPB and therefore is not required to carry the station. On February 3, 2011, KNPB sent a responsive letter to the System noting that (1) the System uses substantial bandwidth for content that is not

⁶ The reference point listed in §76.53 for Reno is 39°31'27"-119°48'40".

⁷ At the time of testing the translator was operating on Channel 15 and was in the process of modification to Channel 42 to avoid interference to the cable headend of another system. Suddenlink personnel were informed of the impending channel change and indicated that this would not be an issue, "particularly if they could work out the acquisition of the signal by fiber from Charter Cable".

mandated by law and that the FCC rules give priority to must-carry signals; (2) delivery of an over-the-air signal of good quality to a cable system's principal headend is the operative requirement for carriage⁸; and (3) while DMAs are relevant to carriage of commercial stations, must-carry rights for KNPB, as a qualified local NCE station, are governed by the fact that the System headend in downtown Truckee is within the station's Grade B contour and within 50 miles of the Reno reference point (copy of letter attached as Exhibit 2). KNPB also noted that while terrain may block the KNPB main station signal, the station's local translator at Truckee, which is independently entitled to carriage, provides a good quality usable signal in the area of the System headend.

7. On March 25, 2011 the System general manager, after consulting with counsel, agreed in a telephone call with KNPB's President and CEO that the carriage request was valid. However Cequel still did not add the signal.⁹ Cequel eventually informed KNPB that it could not find the translator signal (it later became apparent that Cequel had been looking in the VHF band for a UHF translator signal). KNPB dispatched its Vice President of Technology to the headend on August 29, 2011 to assist System engineers in reinstalling and tuning a receive antenna. On that visit, the System headend engineer and the KNPB engineer tested a receive antenna that was installed near the base of the System receive tower. They received a signal, but it was marginal because of surrounding trees. The System engineer informed the KNPB engineer that there was space available at the top of the receive tower, clear of the tree line, that would be used for reception of the KNPB translator signal. On September 13, 2011 the System general manager sent an e-mail to KNPB confirming reception of the translator signal and

⁸ 47 U.S.C. §535(g)(4).

⁹ Oddly, Cequel at that time incorrectly listed KNPB in its carriage lineup as a signal available on its Truckee system, see Exhibit 3.

expressing the “hope that we can get your programming on the air as soon as we can.” However, subsequently the System general manager called the KNPB general manager to say that the signal would be received at the System headend rather than at the receive tower and that reception there was poor. The KNPB engineer returned to the System on September 26 to conduct additional tests and found that the newly designated receive site, located in a depression, was totally obstructed by both trees and two two-story buildings with metal roofs that splatter the signal. On September 27, 2011 KNPB sent Cequel yet another formal request for immediate carriage (copy of letter attached as Exhibit 4).

8. On October 8, 2011 Cequel sent KNPB a letter (copy attached as Exhibit 5) stating that the further signal strength tests performed on September 26 showed that the translator signal was not adequate. However, the reason for any inadequacy of the KNPB translator signal is the system’s headend design, which is inhospitable to reception of any over-the-air signal. From an inspection of the site, KNPB’s engineers have seen that the tower formerly used for over-the-air receive antennas is no longer in use for such reception. It is now used solely for microwave dishes. The replacement over-the-air reception facility is a building without a tower and, as noted above, with significant reception obstacles, a choice apparently calculated to avoid, rather than facilitate, reception. A photo of that headend site is attached hereto as Exhibit 6. The red line in the photo indicates the direction to the KNPB translator site. While a television station has an obligation to deliver a good, usable signal, a cable system obviously has an obligation to maintain the type of facility assumed by the rules and normal in the industry to process over-the-air signals. Cequel has not met that obligation.

9. Although the shielded site that Cequel purports to use for over-the-air reception cannot receive the KNPB translator signal, the nearby RF tower that Cequel has stopped using

for that purpose provides a line-of-sight path to the translator, as shown in the photo attached as Exhibit 7. That tower, located at coordinates 39°19'43.2"N/120°11'43.3"W is at an elevation of 6213 feet and the tower is 60 feet tall. The top portion of the tower is above the tree line and provides an unobstructed view of the Relay Peak translator location. Whether or not Cequel is able to or chooses to use that tower for reception of the KNPB over-the-air signal, it has an obligation to provide some reception facilities of the type envisioned by the Commission's rules and standard in the industry. The KNPB signal is also available at the System headend through an existing fiber connection from the Charter Cable system at Incline Village that contains all three of the KNPB program streams. In fact, the KNPB main channel is carried on the Lake Tahoe portion of the System and the signal is derived from the Charter Cable fiber connection. However Cequel has refused to pay the cost of using the fiber drop notwithstanding the fact that it has thwarted an over-the-air feed.¹⁰

IV. REQUEST FOR RELIEF


10. The Commission should grant this complaint and order the System, pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. § 534, and Sections 76.55(a) and (b) and 76.56(a) of the Commission's rules, to make appropriate receive site arrangements, or in the absence of such arrangements to bear the cost of the readily available fiber connection, and to commence carriage of KNPB. In view of Cequel's extraordinarily

¹⁰ Cequel cannot plead poverty. It has recently reported revenue growth of 7.3% and operating cash flow growth of 9.2%. See <http://tinyurl.com/boz6h3h>.

protracted delay in providing carriage, we respectfully request that the Commission order Cequel to commence carriage of the KNPB signal, without charge, on an expedited schedule.

Respectfully submitted,

CHANNEL 5 PUBLIC BROADCASTING, INC.

By: 
Lawrence M. Miller
miller@swmlaw.com

SCHWARTZ, WOODS & MILLER
The Lion Building, Suite 610
1233 20th Street, NW
Washington, DC 20036-7322

Its Attorneys

November 19, 2010

Mr. Jason Oelkers
General Manager
Suddenlink Communications
10607 West River Street #3D
Truckee, CA 96161-0357

Dear Jason:

KNPB-TV public television (RF Channel *15, virtual channel 5) requests immediate carriage of our signal on your Cequel III Communications I LLC (d/b/a Suddenlink Communications) cable systems serving Tahoe City, Donner Summit, Truckee and Lake Tahoe, California.

As you may be aware, KNPB recently completed technical improvements to its translator station providing service to Truckee and Lake Tahoe with over five watts of power. We provide a good usable signal at your cable head end and as an alternative; you may be able to tap into our fiber feed to the nearby Charter system.

We further request carriage of our 5.2 and 5.3 streams to provide your customers and our viewers with the full complement of our public television service. Given the close association that residents of the above mentioned communities have with the Reno/Sparks area, such additions to your system provide desirable service to your customers.

As soon as you have added us to your system, KNPB will launch a promotional campaign in your/our service area to instruct and encourage customers on how to locate our three channels.

Please refer to the enclosed document and feel free to contact me if you have any questions. I look forward to your prompt and positive response.

Sincerely,

Kurt A. Mische, CRMC/CRSM
President & CEO

February 3, 2011

Mr. Jason Oelkers
General Manager
Suddenlink Communications
10607 West River Street #3D
Truckee, CA 96161-0357

Dear Jason:

Thank you for discussing KNPB-TV public television's request for carriage of our signals on your Cequel III Communications I LLC (d/b/a Suddenlink Communications) cable systems serving Tahoe City, Donner Summit, Truckee and Lake Tahoe, California with me on January 19.

After reviewing my notes of our conversation with KNPB's FCC counsel, I need to clarify some of the points we discussed.

First, you stated that your system is in the Sacramento California DMA. It is true that DMAs govern carriage of commercial signals. However, under Section 73.56(a) of the FCC's rules, your must-carry obligations for non-commercial signals, like KNPB's turn on the station's Grade B signal contour, or whether the head-end is within 50 miles of the station's community of license reference point as listed in FCC rules. Your head-end, located in downtown Truckee California is within our Grade B contour and within 50 miles from Reno Nevada. Further, KNPB recently completed technical improvements to its translator station providing service to Truckee and Lake Tahoe with over five watts of power and that translator signal must be carried pursuant to Section 76.55(a)(3)(i) of the FCC rules.

Second, you stated that your company no longer accepts over the air feeds from stations. Section 615(g)(4) of the Communications Act of 1934, as amended, states that "a cable operator shall not be required to carry the signal of any qualified local non-commercial educational television station which does not deliver to the cable system's principal head end a signal of good quality or a baseband video signal, as may be defined by the Commission." 47U.S.C.535(g)(4). Our local translator provides a good quality usable signal at your cable head-end and you do not have the right to reject an over the air signal at your cable head-end. As I mentioned on our call, as an alternative, you may access our fiber feed from the nearby Charter system.

Third, you indicated that you have “no bandwidth” available until your digital transition is completed on or around April 27. Your system actually has plenty of bandwidth, but some of it is being used for non-mandated content. FCC must-carry regulations require your compliance when requested by non commercial public stations meeting the criteria described above.

In view of these requirements, KNPB-TV public television requests that you begin carriage of our three channels, 5.1, 5.2 and 5.3 to provide your customers and our viewers with the full complement of our public television service. Your cable company is an NCTA member and as such you are obligated, under industry agreement, to carry our channels. Given the close association that residents of the above mentioned communities have with the Reno/Sparks area, such additions to your system provide desirable service to your customers.

Please understand that this is not a zero-sum game. KNPB is not requesting that you discontinue carriage of any other channel from any other market. We are requesting your compliance with federal regulations and industry agreement by carrying KNPB-TV channels 5.1, 5.2 and 5.3 beginning immediately.

As I promised, as soon as you have added us to your system, KNPB will launch a promotional campaign in your/our service area to instruct and encourage customers on how to locate our three channels. This investment on our part will certainly help drive customers to your service resulting in a “win-win” business relationship for both of us.

I will follow up with you by phone within the next two weeks so that we may move this project forward without delay. Please feel free to contact me should you have any questions.

Sincerely,

Kurt A. Mische, CRMC/CRSM
President & CEO

TRUCKEE CHANNEL LINEUP

EFFECTIVE 4/27/2011

suddenlink

Advanced Digital TV

- | | |
|---------------------------------|---------------------------------|
| 2 KQED-PBS San Francisco, CA | 63 C-SPAN 2 |
| 3 KCRA-NBC Sacramento, CA | 64 CMT *Coming Soon |
| 4 KTXL-FOX Sacramento, CA | 65 Style |
| 5 KPIX-CBS San Francisco, CA | 66 Headline News |
| 6 Local Access | 67 Sierra College |
| 7 KQCA-MNT Sacramento, CA | 68 Sierra College |
| 8 KOL-ABC Reno, NV | 69 EWTN |
| 9 KVIE-PBS Sacramento, CA | 70 Trinity Broadcasting Network |
| 10 KXTV-ABC Sacramento, CA | 71 QVC |
| 11 Leased Access | 125 KTXL ANTENA TV *Coming Soon |
| 12 KMAX-CW Sacramento, CA | 871 IN DEMAND 1 |
| 13 KOVR-CBS Sacramento, CA | 872 IN DEMAND 2 |
| 14 Outside Television | 874 IN DEMAND 3 |
| 15 KTFK-TV(TEL) 64 Stockton, CA | 875 IN DEMAND 4 |
| 16 KUVS-Univision Modesto, CA | 882-886 Adult Pay Per View |
| 17 KNPB-PBS | |
| 18 TBS Superstation | |
| 19 National Geographic | |
| 20 Disney | |
| 21 Lifetime Television | |
| 22 Comedy Central | |
| 23 Animal Planet | |
| 24 Local Access | |
| 25 CNN | |
| 26 CNBC | |
| 27 MSNBC | |
| 28 The Weather Channel | |
| 29 truTV | |
| 30 Fox News Channel | |
| 31 History Channel | |
| 32 Bravo | |
| 33 A&E | |
| 34 ESPN | |
| 35 ESPN 2 | |
| 37 Comcast Sports Net Bay Area | |
| 38 VERSUS | |
| 39 Discovery Channel | |
| 40 TLC | |
| 41 The Travel Channel | |
| 42 Food Network | |
| 43 HGTV | |
| 44 Nickelodeon | |
| 45 TNT | |
| 46 Cartoon Network | |
| 47 SPEED | |
| 48 Syfy | |
| 49 FX | |
| 50 AMC | |
| 51 USA | |
| 52 ABC Family | |
| 53 Hallmark Channel | |
| 54 E! | |
| 55 Spike TV | |
| 56 Golf | |
| 57 GAC | |
| 58 VH-1 | |
| 59 MTV | |
| 60 Home Shopping Network | |
| 61 TV Land | |
| 62 C-SPAN | |

HD

- | |
|--|
| 103 KCRA-NBC Sacramento, CA |
| 104 KTXL-FOX Sacramento, CA |
| 107 KQCA-MNT Sacramento, CA* |
| 109 KVIE-PBS Sacramento, CA* |
| 110 KXTV-ABC Sacramento, CA |
| 112 KMAX-CW Sacramento, CA* |
| 113 KOVR-CBS Sacramento, CA |
| 218 TBS HD *Coming Soon |
| 219 National Geographic HD |
| 220 Disney HD |
| 221 Lifetime HD |
| 222 Comedy Central HD *Coming Soon |
| 223 Animal Planet HD |
| 225 CNN HD |
| 226 CNBC HD |
| 227 MSNBC HD *Coming Soon |
| 229 tru TV HD *Coming Soon |
| 230 Fox News Channel HD *Coming Soon |
| 231 History HD |
| 232 Bravo HD *Coming Soon |
| 233 A&E HD |
| 234 ESPN HD |
| 235 ESPN 2 HD |
| 238 Versus HD |
| 239 Discovery Channel HD |
| 240 TLC HD |
| 241 The Travel Channel HD *Coming Soon |
| 242 Food Network HD |
| 243 HGTV HD |
| 244 Nickelodeon HD *Coming Soon |
| 245 TNT HD |
| 246 Cartoon Network HD |
| 247 SPEED HD *Coming Soon |
| 248 Syfy HD |
| 249 FXHD |
| 250 AMC HD *Coming Soon |
| 251 USA HD *Coming Soon |
| 252 ABC Family HD *Coming Soon |
| 253 Hallmark Channel HD *Coming Soon |
| 254 E! HD *Coming Soon |
| 255 Spike HD *Coming Soon |
| 256 Golf HD *Coming Soon |
| 258 VH1 HD *Coming Soon |
| 259 MTV HD *Coming Soon |
| 264 CMT HD *Coming Soon |

266 HLN HD *Coming Soon

Digital Music

- | |
|----------------------------|
| 901 Hit List |
| 902 Hip Hop and R&B |
| 903 MixTape |
| 904 Dance/Electronica |
| 905 Rap |
| 906 Hip-Hop Classics |
| 907 Throwback Jamz |
| 908 R & B Classics |
| 909 R&B Soul |
| 910 Gospel |
| 911 Reggae |
| 912 Classic Rock |
| 913 Retro Rock |
| 914 Rock |
| 915 Metal |
| 916 Alternative |
| 917 Classic Alternative |
| 918 Adult Alternative |
| 919 Soft Rock |
| 920 Pop Hits |
| 921 90s |
| 922 80's |
| 923 70's |
| 924 Solid Gold Oldies |
| 925 Party Favorites |
| 926 Stage & Screen |
| 927 Kids Only! |
| 928 Toddler Tunes |
| 929 Today's Country |
| 930 True Country |
| 931 Classic Country |
| 932 Contemporary Christian |
| 933 Sounds of the Seasons |
| 934 Soundscapes |
| 935 Smooth Jazz |
| 936 Jazz |
| 937 Blues |
| 938 Singers & Swing |
| 939 Easy Listening |
| 940 Classical Masterpieces |
| 941 Light Classical |
| 942 Musica Urbana |
| 943 Pop Latino |
| 944 Tropicales |
| 945 Mexicana |
| 946 Romances |

*Coming Soon

Max Digital TV

Family Package

- | |
|-----------------------------------|
| 301 Disney XD |
| 302 The Hub |
| 303 Nick Jr. |
| 304 Teen Nick |
| 305 Nick Toons |
| 306 Nick 2 *Coming Soon |
| 311 Planet Green |
| 312 OWN |
| 313 Investigation Discovery |
| 315 The Science Channel |
| 316 The Military Channel |
| 317 BBC America |
| 319 History Channel International |
| 320 Biography Channel |
| 322 Do It Yourself |
| 323 Fine Living/Cooking Channel |
| 333 Game Show Network |
| 352 WE tv |
| 353 Soap Net |
| 371 Bloomberg |
| 372 Fox Business Network |
| 381 MTV2 |
| 382 MTV Hits *Coming Soon |

- | |
|----------------------------|
| 383 Tr3s *Coming Soon |
| 384 MTV Jams *Coming Soon |
| 385 VH-1 Classic Rock |
| 386 VH-1 Soul *Coming Soon |
| 387 CMT Pure Country |
| 388 Fuse |

Sports & Information Package

- | |
|------------------------------------|
| 501 ESPN Classic |
| 502 ESPN News |
| 503 ESPN U *Coming Soon |
| 506 Fuel |
| 507 Fox Soccer Channel |
| 509 Fox College Sports Atlantic |
| 510 Fox College Sports Central |
| 511 Fox College Sports Pacific |
| 512 CBS College Sports Network |
| 513 Outdoor Channel |
| 514 Sportsman Channel *Coming Soon |
| 515 The Tennis Channel |
| 520 G4 |
| 521 NFL |
| 553 ESPN U HD *Coming Soon |
| 562 CBS College Sports HD |

- | |
|--|
| 563 Outdoor Channel HD *Coming Soon |
| 564 Sportsman Channel HD *Coming Soon |
| 565 The Tennis Channel HD *Coming Soon |
| 571 NFL Network HD |

Movie Package

- | |
|------------------------------|
| 607 Encore West |
| 608 Encore Action West |
| 609 Encore Love West |
| 610 Encore Westerns West |
| 611 Encore Mystery West |
| 612 Encore Drama West |
| 616 Independent Film Channel |
| 617 Sundance West |
| 618 Turner Classic Movies |
| 619 Fox Movie Channel (fxM) |
| 620 Lifetime Movie Network |

- | |
|--|
| 626 Encore West HD *Coming Soon |
| 643 Turner Classic Movies HD *Coming Soon |
| 645 Lifetime Movie Network HD *Coming Soon |

SHOWTIME

701 Showtime HD West

- | |
|---------------------------------|
| 719 Showtime West |
| 720 Showtime Too West |
| 721 Showtime Showcase West |
| 722 Showtime Extreme West |
| 723 Showtime Beyond West |
| 738 The Movie Channel West |
| 739 The Movie Channel Xtra West |

starz

751 Starz HD West

- | |
|---------------------------------|
| 767 Starz West |
| 768 Starz Edge West |
| 769 Starz in Black West |
| 770 Starz Kids & Family West |
| 771 Starz Cinema West |
| 776 Encore West HD *Coming Soon |
| 792 Encore West |
| 793 Encore Action West |
| 794 Encore Love West |
| 795 Encore Westerns West |
| 796 Encore Mystery West |
| 797 Encore Drama West |

HBO

651 HBO HD West

- | |
|------------------------|
| 668 HBO West |
| 669 HBO 2 West |
| 670 HBO Signature West |
| 671 HBO Family West |
| 672 HBO Comedy West |
| 673 HBO Zone West |
| 674 HBO Latino West |

cinemax

681 Cinemax HD West *Coming Soon

- | |
|-----------------------|
| 694 Cinemax West |
| 695 More Max West |
| 696 Action Max West |
| 697 Thriller Max West |

Subscription Services

Digital Subscription Services

- | |
|--------------------------|
| 598 NFL RedZone |
| HD Subscription Services |
| 599 NFL RedZone HD |

HD Plus

- | |
|-------------------------------|
| 201 HD Theater |
| 202 HDNet Movies |
| 203 HDNet |
| 204 Universal HD *Coming Soon |
| 206 MGM HD *Coming Soon |

September 27, 2011

Sent by Certified U.S. Mail/Return Receipt Requested

Mr. Jason Oelkers
General Manager
Suddenlink Cable
10607 West River Street #3D
Truckee, CA 96161-0357

Dear Jason:

In November 2011, I contacted you requesting carriage of KNPB public television (RF Channel *15, virtual channel 5) on your Cequel III Communications I LLC (d/b/a Suddenlink Communications) cable television systems serving Tahoe City, Donner Summit, Truckee and Lake Tahoe California.

KNPB provides a strong, usable signal providing service to Truckee and Lake Tahoe with over five watts of power. KNPB's signal is also available through a fiber optic feed from Charter Cable at your head end location.

After exchanges of telephone calls and my follow up letter dated February 3, 2011 you indicated that our signal would be added to your system "on or around April 27" following installation of some new digital equipment.

As of the date of this letter KNPB's signal has still not been added to your system.

You have shared with me a number of challenges and delays that your company has experienced relative to this issue. I have responded by contacting Charter Cable on at least three occasions to facilitate a fiber drop to your head end. Most recently, you decided to try to take our signal off-air using an antenna. Your company was unable to find our over the air signal and so I dispatched Mr. Fred Ihlow, our Vice President of Engineering and our Assistant Chief Engineer to your head end on August 26 and August 29 to assist your engineers in re-installing the antenna and correctly tuning it to receive our signal. After discovering that your engineers had directed Mr. Ihlow to the wrong location, I again dispatched him to your address on September 26.

At that time, Mr. Ihlow discovered that Suddenlink indeed has a fiber feed of KNPB's signal into its head end location, but lacks the contractual arrangements to put that feed onto its system.

After nearly one year, Jason, this situation is simply not acceptable. Your company is in violation of FCC rules Section 73.56(a) and FCC rules Section 76.55(a)(3)(i). KNPB's signal must be added to your system immediately. Should our signal not be on your Suddenlink system by close of business Friday October 7, 2011; I will refer this matter to counsel for appropriate action.

Sincerely,

Kurt A. Mische, CRMC/CRSM
President & CEO

cc: Lawrence Miller, Schwartz, Woods & Miller



October 8, 2011

Via Email and First Class Mail

Mr. Kurt A. Mische, CRM/CRSM
President & CEO
KNPB Channel 5 Public Broadcasting
E.L. Cord Public Telecommunications Center
1670 North Virginia Street
Reno, Nevada 89503-0703

Re: KNPB Request for Carriage

Dear Mr. Mische:

This responds to your letter dated September 27, 2011, regarding carriage of broadcast station KNPB ("KNPB" or the "Station") in communities served by Suddenlink's principal headend in Truckee, California (the "Truckee System").

As has been previously discussed, Suddenlink is prepared to carry KNPB on the Truckee System upon the Station's delivery of a "good quality" signal to the System's principal headend. As you know, the delivery of an adequate signal to the System's principal headend is a necessary precondition to invoking must carry rights.¹ Signal strength tests performed on September 26, with KNPB's engineer present, show that the Station currently fails to provide the required off-air signal to the Truckee System Headend.

Although we acknowledge that KNPB may deliver its signal to the System headend via a fiber feed, we disagree with your assumption that Suddenlink is obligated pay for or otherwise provide this or any other signal delivery method for the Station. The FCC has expressly stated: "[I]t is the television station's obligation to bear the costs associated with delivering a good quality signal to the system's principal headend."² Thus, while Suddenlink will continue to work with KNPB in its efforts to provide an adequate signal, KNPB ultimately remains responsible for the delivery of its signal to the Truckee System headend.

¹ See 47 U.S.C. 535(g)(4). See also 47 C.F.R. § 76.55(c)(3).

² *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, 8 FCC Rcd. 2966 at ¶ 104 (1993). See also *Minority Television Project, Inc., KMTP(TV), Channel 32 v. AT&T Broadband, LLC.*, 17 FCC Rcd. 22810, ¶¶ 5-8 (2002) (The Commission rejected a noncommercial station's argument that it be permitted to rely on the delivery of its signal to the relevant system headends via the cable operator's fiber optic facilities as the basis for enforcing must carry rights.).

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Zarrilli', written in a cursive style.

Michael J. Zarrilli
Vice President
Government Relations
& Senior Counsel

Cc: Jason Oelkers, Suddenlink Communications
Fred Giroux, Davis Wright Tremaine LLP

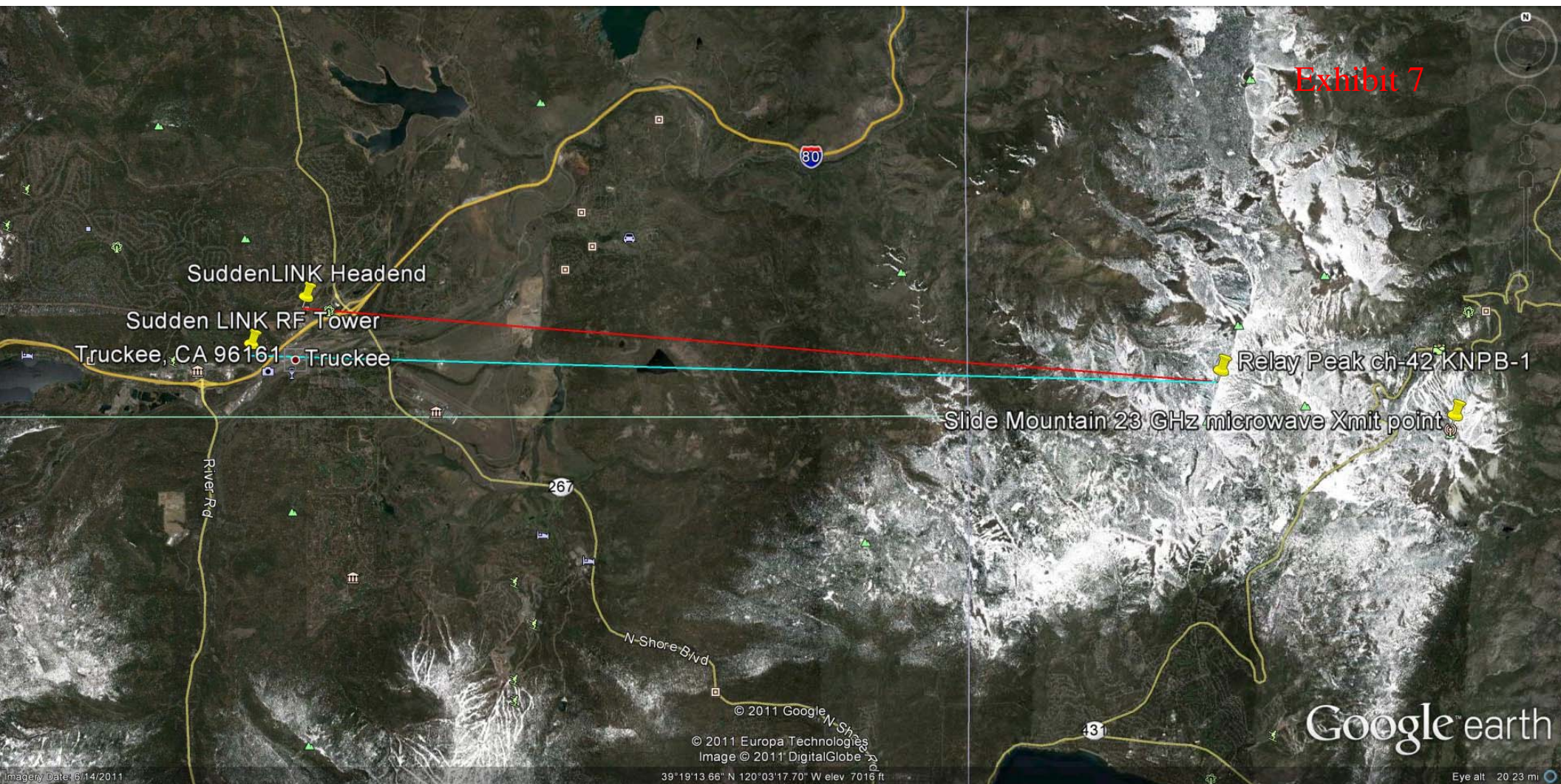
SuddenLINK Headend

© 2011 Google

39°20'18.24" N 120°10'49.53" W elev 5970 ft

Coachman Dr

Exhibit 7



DECLARATION OF FREDERICK G. IHLOW

I am Vice President of Technology of public television Station KNPB, Reno, Nevada, licensed to Channel 5 Public Broadcasting, Inc. The technical facts stated in the foregoing Complaint, other than those of which the Federal Communications Commission may take official notice, are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 16, 2011.



Frederick G. Ihlow

DECLARATION OF KURT A. MISCHE

I am President and CEO of public television Station KNPB, Reno, Nevada, licensed to Channel 5 Public Broadcasting, Inc. The nontechnical facts stated in the foregoing Complaint, other than those of which the Federal Communications Commission may take official notice, are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 16, 2011.



Kurt A. Mische

CERTIFICATE OF SERVICE

I, Nancy Marie Cassady, Administrative Assistant in the law offices of Schwartz, Woods & Miller, do hereby certify that I have on this 16th day of December, 2011, sent by First Class United States mail, postage prepaid, a copy of the foregoing **COMPLAINT** to

Fred Giroux, Esq.
Davis Wright Tremaine LLP
Suite 800
1919 Pennsylvania Avenue NW
Washington, D.C., 20006-3401

Nancy M. Cassady

Nancy M. Cassady